

REMARKS

I. Amendments

By this amendment, claims 4, 26 and 27 have been amended and claims 1, 7, 11 and 24 have been cancelled.

This amendment adds no new matter to the specification. Support for the amendment may be found in the specification and claims as originally filed.

No amendment of inventorship is necessitated by this amendment.

II. Discussion of the Rejection of Claims 26 and 27 under 35 U.S.C. Sec. 112, First Paragraph

Claims 26 and 27 have been rejected under 35 U.S.C. Sec. 112, first paragraph, for allegedly failing to comply with the written description requirement in the recitation of “concomitantly” and “separately”. Applicants respectfully traverse the rejection, as there is in fact basis for the objected-to terms.

The Examiner has objected to the terms “concomitantly” and “separately”, as he couldn’t find basis in the specification for them. Applicants wish to point the Examiner to page 27, line 26 – page 28, line 15 of the specification, wherein concomitant as well as separate administration are discussed.

Therefore Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 112, first paragraph rejection of claims 26 and 27.

III. Discussion of the Rejection under 35 U.S.C. Sec. 112, Second Paragraph

Claims 1, 4, 7, 11 and 24-27 have been rejected under 35 U.S.C. Sec. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention in the recitation of “effective amount”. Applicants respectfully traverse the rejection.

By this amendment, claims 1, 7, 11 and 24 have been cancelled. Applicants believe that one skilled in the art would understand the phrase “effective amount” as recited in independent claim 25 given the teachings of the specification at page 28, line 21 – page 29, line 24. Therefore, they respectfully submit that independent claim 25 is not indefinite.

Claims 26 and 27 depend upon claim 25. Applicants assert that the more specific dependent claims are also not indefinite for the reason provided above.

Therefore Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 112, second paragraph rejection.

IV. Discussion of the Rejection under 35 U.S.C. Sec. 103(a) over Grossman *et al.* and Inoue *et al.* in view of WO 93/03724

Claims 1, 4 and 7 have been rejected under 35 U.S.C. Sec. 103(a) as allegedly being unpatentable over Grossman *et al.* (Exp. Opin. Invest. Drugs, 1997, vol. 6, pp. 1025-1040) and Inoue *et al.* (Am. J. Clin. Nutr., 1992, vol. 55, pp. 199S—202S) in view of WO 93/03724. Applicants respectfully traverse the rejection.

By this amendment, claims 1 and 7 have been cancelled, thereby rendering the rejection with respect to these claims moot. Also by this amendment, claim 4 has been made newly dependent upon independent claim 25. As claim 25 was not rejected over the cited art, Applicants respectfully submit that claim 4 as amended is also free of the cited art.

Therefore Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 103(a) rejection over Grossman *et al.* and Inoue *et al.* in view of WO93/03724.

V. Discussion of the Rejection under 35 U.S.C. Sec. 103(a) over Barman Belfour *et al.* and Williams in view of WO 93/03724

Claims 1, 11 and 24 have been rejected under 35 U.S.C. Sec. 103(a) as allegedly being unpatentable over Barman Belfour *et al.* (Drugs, 1999, vol. 57, pp. 921-930) and Williams (Int. J. Obes., 1999, vol. 23, S2-S4) in view of WO 93/03724.

By this amendment, claims 1, 11 and 24 have been cancelled, thereby rendering the rejection moot.

Therefore Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 103(a) rejection over Barman Belfour *et al.* and Williams in view of WO 93/03724.

VI. Conclusion

Reconsideration of the pending claims and allowance are requested.

Should the Examiner believe that a conference with Applicants' attorney would advance prosecution of this application, he is respectfully requested to call Applicants' attorney at (224) 554-5689.

Respectfully submitted,

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